

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	4

### MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1949, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 11, line 3, delete "nominated by the president of the Indiana
- 2       Midwives" and insert "."
- 3       Page 11, delete line 4.
- 4       Page 15, line 8, delete "the liability of".
- 5       Page 15, line 10, delete "in rendering care in an" and insert "**may**
- 6       **not be held jointly or severally liable for the acts or omissions of a:**
- 7                **(A) licensed certified professional midwife; and**
- 8                **(B) licensed physician who has entered into a collaborative**
- 9                **agreement under IC 25-23.2-5 with a licensed certified**
- 10              **professional midwife, for the acts or omissions of the**
- 11              **licensed physician while the physician assists or**
- 12              **collaborates with the licensed certified professional**
- 13              **midwife to perform midwifery."**

1 Page 15, delete lines 11 through 16.

2 Page 16, line 35, delete "Immunity of Health Care Providers  
3 Rendering Care" and insert **"Liability of Other Health Care  
4 Providers"**.

5 Page 16, delete lines 36 through 42, begin a new paragraph and  
6 insert:

7 **"Sec. 1. A health care provider (as defined in IC 34-18-2-14)**  
8 **may not be held jointly or severally liable for the acts or omissions**  
9 **of a licensed certified professional midwife."**

10 Page 17, delete lines 1 through 7.

11 Page 17, line 8, delete "1. This chapter" and insert **"2. (a) This  
12 section"**

13 Page 17, delete lines 18 through 29, begin a new paragraph and  
14 insert:

15 **"(b) A person described in subsection (a) may perform an act,**  
16 **a duty, or a function of midwifery that is customarily within the**  
17 **specific area of practice of the employing licensed certified**  
18 **professional midwife if the act, duty, or function is performed**  
19 **under the direction and supervision of the employing licensed**  
20 **certified professional midwife.**

21 **(c) A person described in subsection (a) may not be held jointly**  
22 **or severally liable for the acts or omissions of a licensed certified**  
23 **professional midwife.**

24 **Sec. 3. Except for the licensed certified professional midwife**  
25 **who performs midwifery with a physician under a collaborative**  
26 **agreement, a health care provider (as defined in IC 34-18-2-14)**  
27 **may not be held jointly or severally liable for the acts or omissions**  
28 **of a licensed physician, who has entered into a collaborative**  
29 **agreement with a licensed certified professional midwife, for the**  
30 **acts or omissions of the licensed physician while the physician**  
31 **assists or collaborates with the licensed certified professional**  
32 **midwife to perform midwifery."**

33 Page 17, line 30, delete "8" and insert "7".

34 Page 17, between lines 35 and 36, begin a new paragraph and insert:

35 **"Sec. 2. This article does not entitle a licensed certified**  
36 **professional midwife:**

37 **(1) to be present during the birth of a child in a hospital; or**

38 **(2) to provide assistance during the birth process in a**

1           **hospital."**

2           Page 19, line 8, delete "IC 25-23.2-7" and insert "**IC 25-23.2-6**".

3           Page 19, line 20, after "act." insert "**However, a member**  
4           **appointed under IC 25-23.2-2-2, as added by this act, must be a**  
5           **certified professional midwife (as defined in IC 25-23.2-1-4, as**  
6           **added by this act)."**

(Reference is to HB 1949 as introduced.)

**and when so amended that said bill do pass.**

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Representative Brown C